

Docket No.: 02157/0200631-US0
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Takateru Satoh et al.

Application No.: 10/728,272

Confirmation No.: 7115

Filed: December 3, 2003

Art Unit: 3654

For: MOLDING MOLD, MOLDING METHOD
AND TAPE CARTRIDGE

Examiner: William Arauz Rivera

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement set forth in the Office Action mailed November 15, 2006 (Paper No. 20061113), Applicants hereby provisionally elect Group I, claims 1-8 and 12 for continued examination, with traverse.

RESTRICTION REQUIREMENT

The Examiner has required restriction between:

- | | |
|------------|---|
| Group I: | Claims 1-8 and 12, drawn to a molding mold for molding a flange,
classified in class 425, subclass 591, or |
| Group II: | Claims 10-11, 15, and 16, drawn to the tape cartridge apparatus,
classified in class 242, subclass 348; or |
| Group III: | Claims 9, 13, and 14 drawn to a method of molding a flange classified in class 264/279. |

In response Applicants provisionally elect Group I, claims 1-8 and 12, drawn to a molding mold for molding a flange, classified in class 425, subclass 591 with traverse.

The Examiner bases this restriction on MPEP §§ 806.05 (e) and (f), which state:

[(e)] Process and apparatus for its practice can be shown to be distinct inventions [and subject to restriction], if either or both of the following can be shown: (A) that the process as claimed can be practiced by another materially different apparatus or by hand; or (B) that the apparatus as claimed can be used to practice another materially different process. ...

[(f)] A process of making and a product made by the process can be shown to be distinct inventions [and subject to restriction] if either or both of the following can be shown: (A) that the process as claimed is not an obvious process of making the product and the process as claimed can be used to make another materially different product, or (B) that the product as claimed can be made by another materially different process.

Applicants respectfully submit that the Examiner has failed to demonstrate that the necessary provisions of MPEP §§ 806.05 (e) and (f) are met by claims of the present application. The provisions of MPEP §806.05 (f)(A) are not satisfied, as the molding process of independent claims 1 and 5 as claimed is suitable only for forming the tape cartridge hub claimed as part of the apparatus of independent claims 10, 15 and 16. In addition, the Examiner has failed to demonstrate, according to the

provisions of MPEP §806.05 (f)(B), that an alternative process exists for making a hub having the features claimed in independent claims 10, 15 and 16.

Additionally, The provisions of MPEP §806.05 (e)(A) are not satisfied, as the molding process of independent claims 1, 2 and 5 as claimed is suitable only for forming the flange claimed as part of claims 9, 13 and 14. In addition, the Examiner has failed to demonstrate, according to the provisions of MPEP §806.05 (e)(B), that the apparatus as claimed can be used to practice another materially different process.

Accordingly, applicants respectfully submit that the Examiner has failed to meet his burden in demonstrating that the claimed process and product are distinct inventions in accordance with MPEP §§ 806.05(e) and (f).

CONCLUSION

In view of the above remarks, withdrawal of the Restriction Requirement is respectfully requested.

Applicants respectfully submit that the application is in condition for allowance.

Dated: December 5, 2006

Respectfully submitted,

By 

Louis J. DeLuca

Registration No.: 47,522

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(212) 527-7700

(212) 527-7701 (Fax)

Attorneys/Agents For Applicant